

Falls Church, Virginia 22041

File: D2012-116

Date: AUG 30 2012

In re: DAVID K. WENGER, II, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

The respondent's request for reinstatement to practice will be granted

On May 4, 2012, the Michigan Attorney Discipline Board issued an "Order Granting Stipulation", which suspended the respondent from the practice of law for 90 days, effective May 24, 2012. Consequently, on May 17, 2012, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Department of Homeland Security (the "DHS") then asked that the respondent be similarly suspended from practice before that agency. Therefore, on May 30, 2012, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On July 12, 2012, we suspended the respondent from practice before the Board, Immigration Courts, and the DHS, for 90 days, effective May 30, 2012.

The respondent moves that the Board reinstate him to practice. The EOIR Disciplinary Counsel does not oppose the petition for reinstatement, observing that the respondent has presented evidence that he is now eligible to practice law in Michigan, and has completed the period of suspension. 8 C.F.R. §§ 1001.1(f), 1003.107(a)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012). The respondent will be reinstated to practice.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD